

REMARKS

Claims 2, 30, 32, 60, 62 and 90 have been canceled without prejudice or disclaimer of the subject matter thereof. Applicants reserve the right to pursue the subject matter of the canceled claims in subsequently filed continuation applications.

Claims 1, 3 - 5, 9, 12 - 19, 24, 26, 31, 33 - 35, 39, 42 - 49, 54, 56, 61, 63 - 65, 69, 72 - 79, 84, 86 and 91 - 99 have been amended.

Claims 1, 3 - 29, 31, 33 - 59, 61, 63 - 89 and 91 - 99 are present and pending in the subject application.

In the Office Action dated August 8, 2006, the Examiner has advised Applicant that claims 1, 31 and 61 are substantial duplicates of claims 30, 60 and 90, has rejected claims 1, 30, 31, 60, 61 and 90 under 35 U.S.C. §112, first paragraph, and has rejected claims 1 - 99 under 35 U.S.C. §103(a). Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

Initially, the Examiner has advised Applicant that should claims 1, 31 and 61 be found allowable, claims 30, 60 and 90 would be objected to as being a substantial duplicate thereof. In order to expedite prosecution of the subject application, claims 30, 60 and 90 have been canceled. The cancellation of these claims does not reflect the propriety of the Examiner's position.

The Examiner has rejected claims 1, 30, 31, 60, 61 and 90 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is moot

with respect to canceled claims 30, 60 and 90. The Examiner takes the position that the claim limitation of a header of the custom content object being user-modifiable is not described in the specification. As discussed below, independent claims 1, 31 and 61 have been amended to further clarify the invention and this term is no longer recited within the claims. Thus, the claims are considered to be fully supported by the specification.

The Examiner has rejected claims 1, 6 - 8, 11 - 23, 25 - 28, 30 - 31, 36 - 38, 41 - 53, 55 - 58, 60 - 61, 66 - 68, 71 - 83, 85 - 88, 90 - 91, 94 and 97 under 35 U.S.C. §103(a) as being unpatentable over The McGraw-Hill companies publication and U.S. Patent No. 5,634,064 (Warnock et al.) in view of U.S. Patent No. 6,886,036 (Santamaki et al.). This rejection is moot with respect to canceled claims 30, 60 and 90.

Briefly, the present invention is directed toward a system, method and data storage device for creating and storing a content object in a data repository as a group of hierarchically related content entities. Each content entity is contained in a separate file object. A list or outline containing container and non-container identifiers defines the content, order and structure of the content object. This list or outline is stored as a separate file object.

In order to assist in an understanding of the present invention, the present invention features may be illustrated by the following example with respect to generation of a content object in the form of a book. The book structure may include volumes each with one or more chapters, where each chapter, in turn, may include one or more sections. The content of the chapter sections resides in the data repository as individually accessible files each containing a

section (or content entity). The present invention system basically represents the book in the form of a hierarchical outline of containers (e.g., representing volumes or chapters) and subordinate non-containers (e.g., sections). The non-containers are each associated with content entity identifiers indicating the files containing the content (or content entities) in the data repository to be included within the corresponding container and book. The hierarchical outline of containers and content entity identifiers is stored as a separate file object. A user interface enables a user to manipulate the outline to select and alter the book content. In other words, a user may construct and arrange the book (e.g., into volumes, chapters, sections, etc.) with content (e.g., text, images, etc.) selected from the data repository. When the user adds, removes or moves book content, the corresponding content entity identifier is respectively added, removed or moved within the outline.

The Examiner takes the position with respect to independent claims 1, 31 and 61 that the McGraw-Hill publication discloses all the features within these claims, except for one or more object servers, a library server for storing the e-book, information and attribute of the e-book, and an e-book header being user-modifiable. The Examiner further alleges that the Warnock et al. and Santamaki et al. patents disclose these features and that it would have been obvious to combine the teachings of the McGraw-Hill publication and Warnock et al. and Santamaki et al. patents to attain the claimed invention.

This rejection is respectfully traversed. However, in order to expedite prosecution of the subject application, independent claims 1, 31 and 61 have been amended and recite the features of: creating a content object, being one of a book, a document, a collection of images, a

collection of musical selections, a video and a multimedia object, from a collection of content; the content object including a user defined hierarchical structure including at least one hierarchical tier and at least one subordinate tier; and in response to selection by a user of one or more of the objects and assignment by the user of the selected objects to corresponding ones of the at least one hierarchical tier and the at least one subordinate tier, creating a custom content object including a hierarchical compilation of the content represented by each selected object in accordance with the assignment of the selected objects by the user. Dependent claims 3 - 5, 9, 12 - 19, 24, 26, 33 - 35, 39, 42 - 49, 54, 56, 63 - 65, 69, 72 - 79, 84, 86 and 91 - 99 have been amended for consistency with their amended parent claims.

The McGraw-Hill publication does not disclose, teach or suggest these features. Rather, the McGraw-Hill publication discloses a database containing a collection of modular, stand-alone text files that can be mixed, matched and arranged to create a new book for a particular course. A user may select various portions of existing books to add to the new book being created. The existing books are displayed in a table of contents type format and enable selection of portions for viewing and/or addition to the new book. A user may view the contents of the new book. The contents are displayed with each selected portion indicated by their title and the title of the book and/or chapter from which they were selected, where a user may arrange or reorder the displayed portions to arrange the new book. However, these just indicate the origin of the selected portions (e.g., the chapter and book from which the portion is selected) and do not provide a hierarchical arrangement for the new book. In fact, the selected portions themselves define the content of the new book and are arranged as a list. Thus, a user can arrange the

selected portion order, but there is no disclosure, teaching or suggestion of the portions being arranged into hierarchical tiers or, for that matter, the portions being assigned by the user to corresponding hierarchical and subordinate tiers of the user defined content object structure to create the content object as recited in the claims.

The Warnock et al. patent does not compensate for the deficiencies of the McGraw-Hill publication. Rather, the Warnock et al. patent is directed toward a reader for displaying an electronic document and is merely utilized by the Examiner for an alleged teaching of modifying a header of an electronic document by a user (such feature having been removed from the claim as discussed above).

The Santamaki et al. patent does not compensate for the deficiencies of the McGraw-Hill publication and Warnock et al. patents. Rather, the Santamaki et al. patent is directed toward an electronic book system for advancing distribution of reading materials and is merely utilized by the Examiner for an alleged teaching of centralized and e-book servers allegedly corresponding to the claimed library and object servers.

Since the McGraw-Hill publication and Warnock et al. and Santamaki et al. patents do not disclose, teach or suggest, either alone or in combination, the features recited in independent claims 1, 31 and 61 as discussed above, these claims are considered to be in condition for allowance.

Claims 6 - 8, 11 - 23, 25 - 28, 36 - 38, 41 - 53, 55 - 58, 66 - 68, 71 - 83, 85 - 88, 91, 94 and 97 depend either directly or indirectly from independent claims 1, 31 or 61 and, therefore, include all the limitations of their parent claims. These claims are considered to be in condition

for allowance for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in the claims.

The Examiner has rejected claims 2 - 3, 29, 32 - 33, 59, 62 - 63 and 89 under 35 U.S.C. §103(a) as being unpatentable over the combination of the McGraw-Hill publication and Warnock et al. and Santamaki et al. patents, and further in view of U.S. Patent No. 6,091,930 (Mortimer et al.). Further, the Examiner has rejected claims 4 - 5, 34 - 35 and 64 - 65 under 35 U.S.C. §103(a) as being unpatentable over the combination of the McGraw-Hill publication and Warnock et al. and Santamaki et al. patents, and further in view of ksinclair.com. In addition, the Examiner has rejected claims 9 - 10, 24, 39 - 40, 54, 69 - 70, 84, 92 - 93, 95 - 96 and 98 - 99 under 35 U.S.C. §103(a) as being unpatentable over the combination of the McGraw-Hill publication and Warnock et al. and Santamaki et al. patents, and further in view of U.S. Patent No. 6,006,242 (Poole et al.). These rejections are moot with respect to canceled claims 2, 32 and 62.

These rejections are respectfully traversed. Initially, each of the pending claims within these rejections depends from claims 1, 31 or 61 and, therefore includes all the limitations of their parent claims. As discussed above, the combination of the McGraw-Hill publication and Warnock et al. and Santamaki et al. patents does not disclose, teach or suggest the features recited in the independent claims of selecting and assigning objects to hierarchical and subordinate tiers of a user-defined content object to create a custom content object with a hierarchical compilation of the content represented by each selected object in accordance with the assignment of the selected objects by the user.

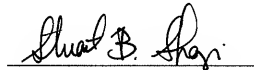
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The art cited in these rejections do not compensate for the deficiencies of the combination of the McGraw-Hill publication and Warnock et al. and Santamaki et al. patents. Rather, the Mortimer et al. patent is directed toward a customizable interactive educational system and is merely utilized by the Examiner for an alleged teaching of a collection of content comprising an image album and a video. The ksinclair.com publication is directed toward a web site offering free downloading of e-books and is merely utilized by the Examiner for an alleged teaching of calculating a cost of an object. The Poole et al. patent is directed toward an apparatus for dynamically constructing electronic and printable documents and forms and is merely utilized by the Examiner for an alleged teaching of defining a maximum amount of allowable content per volume of content and creating a plurality of volumes of content from the selected content based on the defined maximum. Accordingly, the above pending claims are similarly considered to be in condition for allowance.

The application, having been shown to overcome issues raised in the Office Action, is considered to be in condition for allowance and Notice of Allowance is earnestly solicited.

Respectfully submitted,



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